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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			CHANNAVAJJALA, SRIRAMA T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/652,000	<b>Applicant(s)</b> INABA ET AL.	
	<b>Examiner</b> Srirama Channavajjala	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.
2. Examiner acknowledges applicant's amendment filed on 6/26/2006.
3. Claims 1-10,12,15-19 have been amended [6/26/2006].

### ***Drawings***

4. The Drawings filed on 9/02/2003 are acceptable for examination purpose.

### ***Information Disclosure Statement***

5. The information disclosure statement filed on 6/26/2006 is in compliance with the provisions of 37 CFR 1.97, and a copy of PTO-1449 is here attached to this office action.

### ***Priority***

6. Acknowledgment is made of applicant's claim for foreign priority based on Application SI.No2002-256802 filed on 02 September 2002 under 35 U.S.C. 119(a)-(d), the certified copy has been filed in the Application No. 10/652,000, filed on 9/02/2003.

### ***Claim Rejections - 35 USC § 101***

7. In view of applicant's amendment to claim 19, the rejection under 35 USC 101 is set forth in the previous office action is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. ***Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushige et al. [hereafter Fukushige], US patent No. 6704905 filed on Dec 28,2001 and published on Mar 9, 2004.***

10. As to claim 1, Fukushige teaches a system which including 'an information delivery method for delivering document information that fulfills a previously set delivery condition' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

'delivering said document information in accordance with said delivery condition' [col 3, line 18-24], Fukushige teaches user searching required documents, more specifically, user enters various commands or inputting condition for selecting required documents as detailed in col 3, line 18-24;

'storing said delivered document information' [fig 1, col 7, line 38-47];

'if an evaluation by a user indicating [col 3, line 18-24] that said delivered

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document information is unfit is received [col 3, line 35-37, col 10, line 38-41, 50-61], Fukushige teaches document[s] evaluation, more specifically evaluation of document values associated with specified category of documents [col 3, line 24-28], furthermore, Fukushige specifically suggests “degree of similarities” that determines document usefulness or fit or unfit in a document category set [col 3, line 50-61]; ‘extracting characteristic strings from the evaluated document information which includes at least one first document’[col 3, line 38-40, col 10, line 64-67, col 11, line 1-3], Fukushige specifically teaches evaluating the documents for example using user interface as detailed in fig 7, further Fukushige also teaches document selection criteria keyword[s] are part of evaluating documents, particularly, evaluation of document selection as detailed in fig 7;

‘by using the extracted characteristic character strings, retrieving at least one second document similar to the at least one first document evaluated as unfit from the stored document information’ [col 11, line 33-48, fig 7], Fukushige specifically teaches both evaluation of documents using dialog box, and unevaluated documents [see fig 7], based on search with keywords corresponds to using the extracted characteristic character string.

11. As to claim 2, Fukushinge disclosed ‘wherein the retrieval is done for documents excluding the at least one first document evaluated as unfit by a user to which said document information was delivered from the stored document information’ [col 12, line 54-61, fig 10], Fukushinge specifically teaches each document is identified

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by "document ID", therefore, first document, second document are integral part of Fukushinge's teachings, further Fukushinge also suggests evaluation of documents as detailed in col 12, line 54-61.

12. As to claim 3, Fukushinge disclosed 'wherein the retrieval is done for documents evaluated as fit by a user to which said document information was delivered from the stored document information' [col 13, line 22-30].

13. As to claim 4, Fukushinge disclosed 'calculating the degree of similarity between the retrieved document information and the evaluated document information' [col 8, line 35-50], Fukushinge specifically teaches calculating a degree of similarity, and evaluating documents for example calculating distance between each feature vector and the reference vector for a documents as detailed in col 8, line 35-50.

'if the degree of similarity is higher than a predetermined value, presenting the retrieved at least one second document' [col 9, line 29-42], Fukushinge specifically teaches assigning threshold value or setting threshold value for example degree of similarity between documents equal or smaller or higher than the threshold value in order to retrieve documents that satisfy the predetermined value as detailed in col 9, line 29-42.

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14. As to claim 5, 17, Fukushinge disclosed 'extracting characteristic character strings from the retrieved at least one second document whose degree of similarity is higher than the predetermined value' [col 9, line 31-36], characteristic character strings corresponds to sample document words vector feature, further Fukushinge specifically teaches document of similarity compared with threshold value;

'presenting the extracted characteristic character strings from the retrieved at least one second document and the characteristic character strings extracted from the evaluated documents' [col 10, line 10-22,50-55], Fukustinge specifically teaches degree of similarity based on vector space, further vector space where each document is expressed as point in an M-dimensional vectors corresponds to the number of words [character string] [see col 6, line 32-49];

'presenting information based on the presented characteristic character strings to help decide whether or not to accept that documents whose degree of similarity is higher than the predetermined value will not be delivered' [col 13, line 60-67, col 14, col 1, line 1-2].

15. As to claim 6, 18, Fukushinge disclosed 'wherein said delivery condition includes an unfitness profile, which is a condition under which a document unfit for delivery is retrieved [see fig 7], Fukushinge specifically teaches user interface including selection criteria conditions for unevaluated, evaluated and all documents;

'if information indicating that it is accepted that said at least one second

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document whose degree of similarity is higher than the predetermined value will not be delivered is received,[col 13, line 60-67, col 14, col 1, line 1-2 adding the characteristic character strings included in said at least one second document and the characteristic character strings included in the evaluated at least one first document to the unfitness profile [col 14, line 3-10];

'if information indicating that it is not accepted that said document whose degree of similarity is higher than the predetermined value will not be delivered is received, adding the characteristic character strings not included in said at least one second document but included in the evaluated at least one first document to the unfitness profile' [col 14, line 28-37].

16. As to claim 7, 19, Fukushinge teaches a system which including 'information delivery method for delivering document information to a user which fulfills a delivery condition set previously by the user' [col 3, line 35-40], Fukushinge specifically teaches user interface for user specific selection of documents based on conditions as detailed in col 3, line 35-40, fig 1;

'delivering the document information, which includes documents'[col 3, line 18-24], Fukushige teaches user searching required documents, more specifically, user enters various commands or inputting condition for selecting required documents as detailed in col 3, line 18-24;

'storing the delivered documents' [col 6, line 35-40], Fukushinge teaches storing sample documents as detailed in fig 1;



'if a request to change the delivery condition is received, changing the delivery condition according to the change request' [col 10, line 32-36, fig 7], Fukushinge specifically teaches user issues evaluation of document selection conditions as detailed in fig 7;

'searching the stored documents according to the changed delivery condition' [col 16, line 50-55], Fukushinge teaches search schemes that including searching documents based on degree of similarity to a seed document;

'of the searched documents, presenting documents that do not fulfill the changed delivery condition' [col 17, line 12-18, line 29-35], Fukushinge suggests unevaluated CDOM value related documents corresponds to document that does not fulfill the changed delivery condition;

17. As to claim 8, 14, 20, Fukushinge disclosed 'presenting information to help decide whether or not to accept that the presented documents will not be delivered [col 13, line 60-67, col 14, col 1, line 1-2]; 'if it is accepted that the presented documents will not be delivered, storing a new delivery condition set according to said change request' col 13, line 31-33]; 'if it is not accepted that the presented documents will not be delivered, canceling the change of the delivery condition according to said change request' [col 13, line 34-41].

18. As to claim 9, Fukushinge teaches a system which including 'information delivery method for delivering documents to a user which fulfill a delivery condition set by the user' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

'judging whether a document fulfills a present delivery condition' [col 11, line 40-44], if it is judged that the document fulfills the present delivery condition, transmitting the document to the user who has set said present delivery condition' [col 7, line 43-47, col 10, line 38-41];

'if said present delivery condition is set by changing a previously set delivery condition, retrieving documents which fulfill the previously set delivery condition' [col 10, line 50-63]; and of the retrieved documents which fulfill said previously set delivery condition [col 10, line 39-49, col 11, line 1-9], transmitting to the user a document that has not been delivered to the user' [col 7, line 43-47, col 12, line 54-61].

19. As to claim 10, Fukushinge disclosed 'transmitting to the user who has set said present delivery condition the documents that are not delivered to the user [col 7, line 43-47, col 12, line 54-61], from the documents which fulfill said present delivery condition' [col 13, line 1-7].

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20. As to claim 11, Fukushinge disclosed 'presenting the documents that fulfill said present delivery condition and the documents that fulfill said previously set delivery condition to the user who has set said delivery condition' [col 14, line 28-37].

21. As to claim 12, Fukushinge disclosed 'said present delivery condition and said previously set delivery condition each include a fitness profile, which is a condition under which a document fit for delivery is retrieved [col 9, line 31-36, fig 6]; 'and an unfitness profile, which is a condition under which a document unfit for delivery is retrieved' [col 10, line 50-53]; to retrieve a document which fulfills said present delivery condition, the fitness profile included in said present delivery condition is used' [col 14, line 28-37].

22. As to claim 13, Fukushinge disclosed 'wherein to retrieve a document that fulfills said previously set delivery condition, the fitness profile and unfitness profile included in said previously set delivery condition are used' [col 10, line 32-36, fig 7].

23. As to claim 15, Fukushige teaches a system which including 'an information delivery apparatus for delivering document information which fulfills a previously set delivery condition' [col 10, line 32-36, fig 1, fig 7], Fukushige directed to user interface where user can issue or select various desired conditions using dialog box for required document information based on the user query as detailed in fig 1, fig 7;

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'delivering means for delivering said document information in accordance with said delivery condition'[col 3, line 18-24], Fukushige teaches user searching required documents, more specifically, user enters various commands or inputting condition for selecting required documents as detailed in col 3, line 18-24;

'storage means for storing said delivered document information' [fig 1, col 7, line 38-47];

'extracting means for extracting characteristic character strings from the document information evaluated by a user [col 10, line 50-52] if an evaluation by the user indicating that said delivered document information is unfit is received' [col 3, line 38-40, col 10, line 38-41, 50-61, line 64-67, col 11, line 1-3], 'wherein said document information evaluated by a user includes at least one first document' [col 6, line 35-39], Fukushige specifically teaches evaluating the documents for example using user interface as detailed in fig 7, further Fukushige also teaches document selection criteria keyword[s] are part of evaluating documents

'retrieval means for retrieving an at least one second document similar to the at least one first document evaluated as unfit from the document information stored in said storage means by using the characteristic character strings extracted by said extracting means' [col 11, line 33-48,col 12, line 54-63, fig 7], Fukushige specifically teaches both evaluation of documents using dialog box, and unevaluated documents [see fig 7], based on search with keywords corresponds to using the extracted characteristic character string;

'presentation means for presenting the at least one second document extracted by said retrieval means and the evaluated at least one first document'  
[col 10, line 32-36, col 17, line 24-35].

24. As to claim 16, Fukushige disclosed 'calculation means for calculating the degree of similarity between the retrieved at least one second document and the evaluated at least one first document, [col 8, line 35-50], Fukushinge specifically teaches calculating a degree of similarity, and evaluating documents for example calculating distance between each feature vector and the reference vector for a documents as detailed in col 8, line 35-50; wherein said presentation means presents the retrieved at least one second document if the degree of similarity is higher than a predetermined value' [col 9, line 29-42], Fukushinge specifically teaches assigning threshold value or setting threshold value for example degree of similarity between documents equal or smaller or higher than the threshold value in order to retrieve documents that satisfy the predetermined value as detailed in col 9, line 29-42, therefore, Fukushige suggests both present, and previously set delivery condition[s].

***Response to Arguments***

25. Applicant's arguments filed on 6/26/2006 with respect to claims 1-20 have been fully considered but they are not persuasive, for examiners' response see the discussion below:

a) At page 14-15, claim 1,15, applicant argues that "one feature of the present inventin, as recited in claim 1 and as similarly recited in claim 15, includes where if an evaluation by a user indicating that the delivered document is unit is received, the method performs the step of extracting characteristic character strings from the evaluated document information. The evaluated document information includes at least one first document. Fukushige does not disclose this feature.

As to the above argument, firstly, Fukushide is directed to determining whether a given document belongs to a specified categories, more specifically, Fukushide teaches evaluation and calculating degree of similarity between documents [see Abstract], secondly, Fukushide suggests user interface that enables users to select, enter or input required parameter[s] related to document[s] evaluation [col 3, line 18-24], thirdly, Fukshirde specifically teaches each document is assigned an identifier or ID or document ID, each category is assigned with category ID, having a category name, set of parameters and like [col 3, line 3-10], furthermore Fukshirde teaches extracting characteristic strings for example each set of words is assigned word ID as detailed in fig 1. As noted that Fukushige teaches document[s] evaluation, more specifically

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evaluation of document values associated with specified category of documents [col 3, line 24-28], furthermore, Fukushige specifically suggests "degree of similarities" that determines document usefulness or fit or unfit in a document category set [col 3, line 50-61].

b) At page 15-16, claim 1,15, applicant argues that in claim 15, includes using the extracted characteristic character string to retrieve at least one second document that is similar to the at least one first document, which the user declared as unfit. Fukushige does not disclose this feature.

As to the argument [b], as best understood by the examiner, firstly, Fukushige specifically teaches user interface that allows user to select required parameters in evaluating the degree of similarity [see Abstract], secondly, Fukushige specifically teaches each document is identified with document ID, category ID and word ID that corresponds to characteristic character string [see fig 1] in analyzing, calculating degree of similarity of documents, it is also noted that Fukushige suggests user interface allows users to select various parameters, i.e., selection criteria that including sample distribution function to evaluate degree of similarity as well as delivered document is useful or not useful for example as detailed in fig 7, col 10, line 38-41, line 50-61,64-67, col 11, line 1-3.

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c) At page 15-16, claim 1,15, applicant argues that "claim 1 and as similarly recited in claim 15, includes using the extracted characteristic character strings to retrieve at least one second document that is similar to the at least one first document, which the user declared as unit. Fukushima does not disclose this feature.

As to the above argument, as best understood by the examiner, Fukushima specifically teaches, user selection criteria [fig 7] allows specifying various parameters in selection, analyzing and calculating degree of similarity of documents as detailed in col 3, line 35-40, further, Fukushima also teaches from the set of documents, particularly used in classification parameter generation i.e., having dictionary containing number of records, assigning word ID from set of words and like as detailed in fig 1; It is also noted that evaluating useful or not useful documents based on sample selection and compared with threshold value [col 11, line 33-48, col 12, line 54-63].

d) At page 16-17, claim 1,15, applicant argues that the retrieved at least one second document and the evaluated at least one first document. Fukushima does not disclose this feature...That is to say, Fukushima's system retrieves no additional documents after the operator has evaluated the selected documents. This is unlike the present invention, where at least one second document and at least one first evaluated document are presented.



As to the above argument [d], as best understood by the examiner, Fukushima specifically teaches evaluating and retrieving documents using evaluation sample selection interface and calculating degree of similarity of documents, [col 10, line 32-36] further, Fukushima specifically teaches identifying each document with document ID particularly each seed document with document ID, also documents with low in similarity to the seed document with value 1 are displayed as detailed in col 17, line 29-35.

e) At page 17-18, claim 7,19, applicant argues that if the delivery condition is changed, then the stored documents that fulfill the original delivery condition are searched according to the changed delivery condition. Documents are presented from the searched documents, where the documents presented do not fulfill the changed delivery condition. Fukushima does not disclose this feature.

As to the above argument [e], as best understood by the examiner, Fukushima specifically teaches user searching required documents, more specifically, user enters various commands or inputting condition for selecting required documents for example as detailed in col 3, line 18-24; also Fukushima suggests selection of various parameters allows changing the required conditions for evaluation of document selection and delivery as detailed in fig 7, particularly selection criteria element 280,290,282. It is also noted that Fukushima suggests search scheme that including searching documents based on degree of similarity to a seed document, furthermore, if the search meets the

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criteria the value related to calculated degree of membership is used otherwise it is considered to be unevaluated value that do not fulfill changed delivery condition because calculated degree of membership value "1" results in high in similarity to the seed document while value "0" is the low in similarity to the seed documents as detailed in col 17, line 12-18, line 29-35.

f) At page 19-20, claim 9, applicant argues that "Fukushige fails to disclose the use of both present delivery condition and a previously set delivery condition, in the manner claimed".

As to the above argument [f], as best understood by the examiner, Fukushige specifically suggests user interface where user selects various required conditions using dialog box for required document information and formulating the delivery condition as detailed in fig 7, further Fukushige also suggests evaluation target selection conditions specifying various functions that including value of vector, degree of certainty and like as detailed in col 50-63], if any parameter is changed during the evaluation target selection of document, is considered to be previously set delivery condition is changed that effects the document calculation that has been made [col 10, line 39-49]

Therefore, applicant's remarks are deemed not to be persuasive and claims 1-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Fukushinge et al.  
US patent No. 6704905.

***Conclusion***

**The prior art made of record**

- a. US Patent No. 6704905

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc  
*Patent Examiner.*  
September 7, 2006.

  
SRIRAMA CHANNAVAJALA  
PRIMARY EXAMINER